

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1876-AIR-E TCEQ ID: RN102736089 CASE NO.: 34982
RESPONDENT NAME: LUCITE INTERNATIONAL, INC.

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 6350 North Twin City, Nederland, Jefferson County

TYPE OF OPERATION: industrial organic chemical plant

SMALL BUSINESS: ☐ Yes ☒ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement actions regarding this facility location (2009-0171-AIR-E).

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired May 4, 2009. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney: Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223
TCEQ Enforcement Coordinator: Ms. Kimberly Morales, AIR Enforcement Section, MC R-12, (713) 422-8938
TCEQ Regional Contact: Ms. Linda Vasse, Houston Regional Office, MC R-12, (713) 767-3500
Respondent: Mr. Robert Wisenbaker, Plant Manager, Lucite International, Inc., 6350 North Twin City Highway, Nederland, Texas 77627
Respondent's Attorney: Ms. Jennifer Keane, Baker Botts LLP, 1500 San Jacinto Center, 98 San Jacinto Boulevard Austin, Texas 78701-4078

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint</p> <p><input checked="" type="checkbox"/> Routine</p> <p><input type="checkbox"/> Enforcement Follow-up</p> <p><input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: May 15 – 29, 2007; September 10, 2007; and October 8, 2007</p> <p>Dates of NOEs Relating to this Case: July 6, 2007; November 8, 2007; and November 28, 2007</p> <p>Background Facts: The case was referred to the Litigation Division February 20, 2008. Settlement was achieved December 19, 2008.</p> <p>Current Compliance Status: No outstanding Technical Requirements.</p> <p>AIR:</p> <p>1. Failed to maintain the required water flow to scrubbers [30 TEX. ADMIN. CODE §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.120(d)(5), Federal Operating Permit ("FOP") No. O-01960, General Terms and Conditions ("GTC"), and Special Conditions ("SC") 1A, 1E, 4, and 19, New Source Review ("NSR") Air Permit No. 1743, SC 2 and 10 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2. Failed to maintain the daily average temperature of incinerator ACR/INC60 above the established minimum limit [30 TEX. ADMIN. CODE §§ 113.120, 116.115(c), and 122.143(4), 40 CFR § 63.120(d)(5), FOP No. O-01960 GTC, SC 1A, 1E, and 19, NSR Air Permit No. 1743, SC 2 and 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3. Failed to maintain the daily average temperature of vapor combustor ACR/VC51 above the established minimum limit [30 TEX. ADMIN. CODE §§ 113.120, 116.115(c), and 122.143(4), 40 CFR § 63.120(d)(5), FOP No. O-01960, GTC, SC 1A, 1E, and 19, NSR Air Permit No. 1743, SC 2, and 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$50,250</p> <p>Total Deferred: \$25,125</p> <p><input type="checkbox"/> Expedited Order</p> <p><input type="checkbox"/> Financial Inability to Pay</p> <p><input checked="" type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$25,125</p> <p>The Respondent paid \$25,125 of the administrative penalty. The remaining amount of \$25,125 of the administrative penalty shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:</p> <p>1. By September 28, 2007:</p> <p>a. Established set points and alarms on incinerator ACR/NC60 and vapor combustor ACR/VC51 in order to ensure proper temperature control. Also, provided training and posted instructional signs for personnel overseeing the two units;</p> <p>b. Installed automated control valves to better control water distribution to the scrubbers and implemented a computer based reminder notification system when low water flow excursions occur. Training was also provided to plant operations and maintenance personnel; and</p> <p>c. Completed the cleaning and screening of the catalyst at the Spent Acid Recovery ("SAR") unit converter to allow the Oxygen ("O2") to Sulfur Dioxide ("SO2") ratio mix to maintain the high pressure drop.</p> <p>2. On August 2, 2007, provided documentation that changes were made to the water softener system including the cycling time, began monitoring the system on an increased frequency, the air pre-heater vibration dampeners were repaired, silica deposits were cleaned from the boiler and the Thermal Oxidizer Unit ("TOU") water treatment program is being monitored to ensure no further occurrence of the deposits.</p> <p>Ordering Provision(s):</p> <p>The Respondent shall implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p>

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to maintain emission rates below the allowable emission limits for Sulfur Dioxide ("SO₂"). Specifically, on July 3, 2006, for a period of four hours, the Spent Acid Recovery ("SAR") Unit Converter emitted unauthorized emissions of approximately 105.56 pounds ("lbs") of SO₂ to the atmosphere [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O-01437, GTC, SC 12, NSR Air Permit No. 19005/PSD-TX-753, SC 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5. Failed to prevent unauthorized emissions. Specifically, 387.82 lbs of Acetonitrile and 74.27 lbs of Acrylonitrile, 36.59 lbs of SO₂, 428.07 lbs of volatile organic compounds ("VOCs"), 5,049 lbs of Carbon Monoxide ("CO"), 1,112.24 lbs of Hydrogen Cyanide ("HCN"), and 27,184.11 lbs of Nitrogen Oxide ("NO_x") were released from the vapor combustor (EPN: ACR-VC51) during 554.50 hours of unplanned maintenance activities on the Thermal Oxidizer Unit ("TOU"), which began on July 24, 2006. Since these emissions were avoidable, the demonstrations in TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 1743, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		

Attachment A
Docket Number: 2007-1876-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Lucite International, Inc.
Penalty Amount:	Fifty thousand two hundred fifty dollars (\$50,250)
SEP Offset Amount:	Twenty-five thousand one hundred twenty-five dollars (\$25,125)
Type of SEP:	Pre-approved
Third-Party Recipient:	Jefferson County – <i>Retrofit/Replace Heavy Equipment and Vehicles with Alternative-Fueled Equipment and Vehicles</i>
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to Jefferson County's *Retrofit/Replace Heavy Equipment and Vehicles with Alternative-Fueled Equipment and Vehicles* program in Jefferson County as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used for the incremental cost of purchase of alternative-fueled equipment such as propane or electric powered lawn mowers, propane-powered light duty and heavy equipment, and alternative fueled vehicles, and retirement of diesel and gasoline powered equipment and vehicles. The retired vehicles and equipment will not be resold as working vehicles, but will only be sold for scrap. The County will also use SEP monies to convert current equipment and vehicles to alternative fueled equipment and vehicles and to retrofit current gasoline and diesel powered equipment in order to lower emissions. All retrofits will meet EPA standards. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air emissions generated by gasoline- and diesel-powered lawnmowers, heavy equipment, and other vehicles in the Beaumont/Port Arthur ozone non-attainment area. Such emissions contribute to ozone pollution in this state.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the final Agreed Order with the contribution to:

Jefferson County Government
Attention: The Honorable Ron Walker, Jefferson County Judge
Retrofit Vehicles SEP
1149 Pearl Street 4th Floor
Beaumont, Texas 77701

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned	3-Dec-2007	Screening	4-Dec-2007	EPA Due	30-Aug-2008
	PCW	25-Jul-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	Lucite International, Inc.		
Reg. Ent. Ref. No.	RN102736089		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	34982	No. of Violations	5
Docket No.	2007-1876-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Kimberly Morales
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$37,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 59% Enhancement **Subtotals 2, 3, & 7** \$22,125

Notes The penalty was enhanced by two (2) 1660 orders, three (3) NOV's for the same or similar violations, and two (2) NOV's for dissimilar violations in the past five years at this plant.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 25% Reduction **Subtotal 5** \$9,375

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes All corrective actions were completed as of September 28, 2007.

Total EB Amounts \$2,238 **Subtotal 6** \$0
Approx. Cost of Compliance \$25,900
 0% Enhancement*
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$50,250

OTHER FACTORS AS JUSTICE MAY REQUIRE 0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$50,250

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$50,250

DEFERRAL 0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY \$50,250

Screening Date 4-Dec-2007

Docket No. 2007-1876-AIR-E

PCW

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34982

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 59%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty was enhanced by two (2) 1660 orders, three (3) NOVs for the same or similar violations, and two (2) NOVs for dissimilar violations in the past five years at this plant.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 59%

Screening Date 4-Dec-2007		Docket No. 2007-1876-AIR-E		PCW
Respondent Lucite International, Inc.		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 34982		<i>PCW Revision November 6, 2007</i>		
Reg. Ent. Reference No. RN102736089				
Media [Statute] Air				
Enf. Coordinator Kimberly Morales				
Violation Number		<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>		
Rule Cite(s)		<div style="border: 1px solid black; padding: 5px;">30 Tex. Admin. Code §§ 113.120, 115.112(a)(1), 116.115(c), 122.143(4), 40 Code of Federal Regulations ("CFR") § 63.120(d)(5), Federal Operating Permit ("FOP") No. O-01960, General Terms and Conditions ("GTC"), and Special Conditions ("SC") 1A, 1E, 4 and 19, New Source Review ("NSR") Air Permit No. 1743, SC 2 and 10 and Tex. Health & Safety Code § 382.085(b)</div>		
Violation Description		<div style="border: 1px solid black; padding: 5px;">Failed to maintain the required water flow to scrubbers ACR/ABS156, ACR/ABS61, ACR/ABS159 and ACR/ABS218. Specifically, the water flow to scrubber ACR/ABS156 fell below the required operating parameter of 9026 pounds per hour ("lbs/hr") from January 16, 2006 through March 25, 2006 for 30 hrs, April 19, 2006 through October 8, 2006, for 55 hrs and October 14, 2006 through March 29, 2007 for 23 hrs; scrubber ACR/ABS61 fell below the required 2440 lbs/hr from January 19, 2006 through April 2, 2006 for 45 hrs, May 5, 2006 through October 3, 2006 for 358 hrs, and October 13, 2006 through March 29, 2007 for 639 hrs; scrubber ACR/ABS159 fell below the required 1302 lbs/hr from December 8, 2005 through December 12, 2005 for 86 hrs and on November 11, 2006 for 9 hrs; and scrubber ACR/ABS218 fell below the required 2000 lbs/hr from August 11, 2006 through August 19, 2006 for 122 hrs and October 13, 2006 through October 23, 2006 for 128 hrs.</div>		
Base Penalty				<div style="border: 1px solid black; padding: 2px;">\$10,000</div>
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
Percent				<div style="border: 1px solid black; padding: 2px;">25%</div>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
Percent				<div style="border: 1px solid black; padding: 2px;">0%</div>
Matrix Notes		<div style="border: 1px solid black; padding: 5px;">Human health or the environment could have been exposed to significant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violations.</div>		
Adjustment				<div style="border: 1px solid black; padding: 2px;">\$7,500</div>
				<div style="border: 1px solid black; padding: 2px;">\$2,500</div>
Violation Events				
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">6</div>	Number of violation days	
		<div style="border: 1px solid black; padding: 2px;">63</div>		
mark only one with an x	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Violation Base Penalty <div style="border: 1px solid black; padding: 2px;">\$15,000</div>	
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	annual	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>		
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
Six annual events are recommended.				
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$943</div>	Violation Final Penalty Total <div style="border: 1px solid black; padding: 2px;">\$20,100</div>	
			This violation Final Assessed Penalty (adjusted for limits) <div style="border: 1px solid black; padding: 2px;">\$20,100</div>	

Economic Benefit Worksheet

Respondent Lucite International, Inc.

Case ID No. 34982

Reg. Ent. Reference No. RN102736089

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or: \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$6,000	5-Dec-2005	28-Sep-2007	1.8	\$36	\$725	\$762
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$2,000	5-Dec-2005	28-Sep-2007	1.8	\$181	n/a	\$181
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to provide equipment modifications and training. The date required is the date of the first violation and the final date is the date the Respondent reported it had installed automated control valves to control water distribution to the scrubbers and completed site operations and maintenance personnel training.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,000

TOTAL

\$943

Screening Date 4-Dec-2007

Docket No. 2007-1876-AIR-E

PCW

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34982

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 113.120, 116.115(c), 122.143(4), 40 CFR § 63.120(d)(5), FOP No. O-01960, GTC, SC 1A, 1E, and 19, NSR Air Permit No. 1743, SC 2 and 12 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain the daily average temperature of incinerator ACR/INC60 above the established minimum limit. Specifically, the incinerator's daily average temperature fell below the required operating parameter of 965 degrees Celsius on January 19, 2006 through January 31, 2006, July 6, 2006 through July 8, 2006 and October 13, 2006 through April 10, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Human health or the environment could have been exposed to significant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violations.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

194 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$583

Violation Final Penalty Total \$13,400

This violation Final Assessed Penalty (adjusted for limits) \$13,400

Economic Benefit Worksheet

Respondent Lucite International, Inc.

Case ID No. 34982

Reg. Ent. Reference No. RN102736089

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or '\$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$3,500	19-Jan-2006	28-Sep-2007	1.7	\$20	\$394	\$414
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$2,000	19-Jan-2006	28-Sep-2007	1.7	\$169	n/a	\$169
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to provide equipment modifications and training. The date required is the date of the first violation and the final date is the date the Respondent reported it had provided temperature drop alarm settings on the incinerator and site operations and maintenance personnel training.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,500

TOTAL

\$583

Screening Date 4-Dec-2007

Docket No. 2007-1876-AIR-E

PCW

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34982

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 113.120, 116.115(c), 122.143(4), 40 CFR § 63.120(d)(5), FOP No. O-01960 GTC, SC 1A, 1E, and 19, NSR Air Permit No. 1743, SC 2 and 12 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain the daily average temperature of vapor combustor ACR/VC51 above the established minimum limit. Specifically, the vapor combustor's daily average temperature from April 20, 2006 through August 19, 2006, was below the recommended 774 degrees Celsius for 1462 hours.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment could have been exposed to significant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violations.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 61 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$396

Violation Final Penalty Total \$6,700

This violation Final Assessed Penalty (adjusted for limits) \$6,700

Economic Benefit Worksheet

Respondent Lucite International, Inc.

Case ID No. 34982

Reg. Ent. Reference No. RN102736089

Media Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$2,500	20-Apr-2006	28-Sep-2007	1.4	\$12	\$240	\$252
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$2,000	20-Apr-2006	28-Sep-2007	1.4	\$144	n/a	\$144
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to provide equipment modifications and training. The date required is the date of the first violation and the final date is the date the Respondent reported it had provided temperature drop alarm settings on vapor combustor ACR/C51 and completed site operations and maintenance personnel training.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,500

TOTAL

\$396

Screening Date 4-Dec-2007

Docket No. 2007-1876-AIR-E

PCW

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34982

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 4

Rule Cite(s)

Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01437
GTC and SC 12, NSR Permit No. 19005/PSD-TX-753, SC 1 and Tex. Health & Safety
Code § 382.085(b)

Violation Description

Failed to maintain emission rates below the allowable emission limits for Sulfur Dioxide ("SO₂"). Specifically, on July 3, 2006, for a period of four hours the Spent Acid Recovery ("SAR") Unit Converter emitted unauthorized emissions of approximately 105.56 pounds ("lbs") of SO₂ to the atmosphere.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$38

Violation Final Penalty Total \$3,350

This violation Final Assessed Penalty (adjusted for limits) \$3,350

Economic Benefit Worksheet

Respondent Lucite International, Inc.

Case ID No. 34982

Reg. Ent. Reference No. RN102736089

Media Air

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	3-Jul-2006	23-Oct-2006	0.3	\$38	n/a	\$38

Notes for DELAYED costs

Estimated cost of cleaning and screening the catalyst at the SAR unit Converter to allow the Oxygen ("O2") to SO2 ratio mix to maintain the high pressure drop. Date required is the date of exceedance and final date is the date the Respondent completed the cleaning and screening of the catalyst.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$38

Screening Date 4-Dec-2007

Docket No. 2007-1876-AIR-E

PCW

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34982

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit No. 1743, Special Condition 1 and Texas Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 387.82 pounds ("lbs") of Acetonitrile, 74.27 lbs of Acrylonitrile, 36.59 lbs of Sulfur Dioxide ("SO₂"), 428.07 lbs of Volatile Organic Compounds ("VOCs"), 5,049 lbs of Carbon Monoxide ("CO"), 1,112.24 lbs of Hydrogen Cyanide ("HCN"), and 27,184.11 lbs of Nitrogen Oxide ("NO_x") were released from the vapor combustor (EPN: ACR-VC51) during 554.50 hours of unplanned maintenance activities on the Thermal Oxidizer Unit ("TOU") which began on July 24, 2006. Since these emissions were avoidable, the demonstrations in Tex. Admin. Code § 101.222 necessary to present affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm		
		Major	Moderate	Minor
	Actual		x	
	Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

24 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$277

Violation Final Penalty Total \$6,700

This violation Final Assessed Penalty (adjusted for limits) \$6,700

Economic Benefit Worksheet

Respondent Lucite International, Inc.

Case ID No. 34982

Reg. Ent. Reference No. RN102736089

Media Air

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,400	24-Jul-2006	2-Aug-2007	1.0	\$277	n/a	\$277

Notes for DELAYED costs

Estimated cost of maintaining Thermal Oxidizer Unit to avoid tube failure and maintaining the quality of water which caused long term scale deposits on the air preheater and screening tube section. Date required is the date the emissions event began and the final date is the date corrective actions were documented.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,400

TOTAL

\$277

Compliance History

Customer/Respondent/Owner-Operator:	CN601448764	Lucite International, Inc.	Classification: AVERAGE	Rating: 4.00
Regulated Entity:	RN102736089	LUCITE BEAUMONT SITE	Classification: AVERAGE	Site Rating: 3.39
ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT	19005	
	AIR NEW SOURCE PERMITS	PERMIT	19004	
	AIR NEW SOURCE PERMITS	PERMIT	19003	
	AIR NEW SOURCE PERMITS	PERMIT	29568	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0425E	
	AIR NEW SOURCE PERMITS	PERMIT	53554	
	AIR NEW SOURCE PERMITS	AFS NUM	4824500136	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX753	
	AIR NEW SOURCE PERMITS	PERMIT	1743	
	AIR NEW SOURCE PERMITS	PERMIT	2796A	
	AIR NEW SOURCE PERMITS	PERMIT	318	
	AIR NEW SOURCE PERMITS	REGISTRATION	79737	
	AIR NEW SOURCE PERMITS	REGISTRATION	80291	
	AIR NEW SOURCE PERMITS	REGISTRATION	81499	
	AIR NEW SOURCE PERMITS	REGISTRATION	81877	
	AIR OPERATING PERMITS	PERMIT	1437	
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0425E	
	AIR OPERATING PERMITS	PERMIT	1959	
	AIR OPERATING PERMITS	PERMIT	1960	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD988088761	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	81282	
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230066	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW100	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW101	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW389	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW390	
Location:	6350 N TWIN CITY HWY, NEDERLAND, TX, 77627		Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	December 04, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 04, 2002 to December 04, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Daniel Siringi Phone: (409) 899-8799

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 12/15/2005

ADMINORDER 2005-0310-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Citation: 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly notify the regional office of a reportable emissions event within 24 hours from the discovery of the event which occurred on September 12, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 19003, Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the allowable emission limit at EPN 357 during an emissions event which occurred on September 12, 2004 and lasted 9 hours and 51 minutes.
Effective Date: 06/29/2007 ADMINORDER 2006-2104-AIR-E
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to report the initial report as soon as practical, but not later than 24 hours after the discovery of an emissions event (Incidents #74015, 74928 and #75556).
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01437, Special Condition 12 PERMIT
NSR - 19003 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	04/04/2003	(27587)
2	02/11/2004	(258840)
3	06/14/2004	(274802)
4	07/30/2004	(284838)
5	10/20/2004	(292104)
6	11/23/2004	(338187)
7	01/31/2005	(343751)
8	05/31/2005	(393525)
9	06/17/2005	(392967)
10	11/10/2005	(435904)
11	12/21/2005	(440007)
12	01/04/2006	(450132)
13	02/21/2006	(454858)
14	02/23/2006	(454749)
15	02/27/2006	(457064)
16	02/28/2006	(457230)
17	02/28/2006	(457587)
18	02/28/2006	(457291)
19	02/28/2006	(457248)
20	04/11/2006	(461173)
21	04/21/2006	(461908)
22	04/26/2006	(460716)
23	05/11/2006	(464040)
24	11/01/2006	(511600)
25	11/27/2006	(465011)
26	12/19/2006	(519732)
27	12/20/2006	(515191)
28	04/26/2007	(554316)
29	04/27/2007	(542915)
30	07/06/2007	(553815)
31	07/16/2007	(567527)
32	07/23/2007	(566920)
33	07/31/2007	(562729)
34	08/29/2007	(569972)
35	08/29/2007	(562598)
36	08/30/2007	(571807)
37	09/26/2007	(573162)
38	10/04/2007	(571825)
39	11/08/2007	(596951)
40	11/08/2007	(596423)
41	11/16/2007	(600604)
42	11/28/2007	(597501)
43	11/29/2007	(566137)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	11/23/2004	(338187)	
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 19005/PSD-TX-753, SC 13D PERMIT 19005/PSD-TX-753, SC 3		
Description:	Failure to maintain records of H2SO4 acid produced on a daily basis.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 19005/PSD-TX-753, SC 13D PERMIT 19005/PSD-TX-753, SC 4		
Description:	Failure to maintain records of nitrogen oxide emissions at the H2SO4 unit main stack on a three-hour average.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 19005/PSD-TX-753, SC 13D PERMIT 19005/PSD-TX-753, SC 5		
Description:	Failure to maintain records of nitrogen oxide emissions from the No. 1 and No. 2 Preheaters.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 19005/PSD-TX-753, SC 13B PERMIT 19005/PSD-TX-753, SC 13D		
Description:	Failure to span the nitrogen oxide CEMS at the North Preheater Stack on a daily basis.		
Date:	08/29/2007	(562598)	
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.13(k)		
Description:	Failure to submit an exception report as required.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 335, SubChapter Q 335.474		
Description:	Failure to prepare a five-year pollution prevention plan and update the plan as necessary.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT C 265.37 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52(d) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52(e)		
Description:	Failure to update the facility's contingency plan.		
Date:	10/04/2007	(571825)	
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP O-01959, Special Condition 1A		
Description:	Failure to maintain or keep accurate records concerning Ammonia Flare observations.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 318, Special Condition 5 OP O-01959, General Terms and Conditions OP O-01959, Special Condition 8		
Description:	Failure to conduct Audio, Visual, and Olfactory (AVO) checks for NH3 leaks within Lucite's operating area once per 12 hr shift.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 2796A, Special Condition 8A OP O-01959, General Terms and Conditions OP O-01959, Special Condition 8		
Description:	Failure to prevent Boiler 7 (B7) from exceeding the Nitrogen Oxides (NOx)		

emissions standard of 30 parts per million (ppm) on a rolling hourly average when firing at a rate of 76.25 Million British Thermal Units (MMBTU/hr).

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 2796A, Special Condition 8A OP O-01959, General Terms and Conditions OP O-01959, Special Condition 8		
Description:	Failure to prevent B7 from exceeding the Carbon Monoxide (CO) emissions standard of 100 ppm on a rolling hourly average when firing at a rate of 76.25 MMBtu/hr.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(w) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 2796A, Special Condition 1 OP O-01959, General Terms and Conditions OP O-01959, Special Condition 1A OP O-01959, Special Condition 8		
Description:	Failure to submit a Semi-annual New Source Performance Standard (NSPS) report concerning B7 in a timely manner.		
Date:	11/08/2007 (596951)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart A 60.7(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 OP FOP O-01960, Special Condition 8 PERMIT NSR Permit 1743, Special Condition 15B PERMIT NSR Permit 1743, Special Condition 2		
Description:	Failure to submit quarterly CEMS Summary Reports for the units ACR/TOU51 and ACR/INC60 in a timely manner.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 12		
Description:	Failure to maintain the operating parameter temperature of the thermal oxidizer ACR/TOU51.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 10		
Description:	Failure to maintain the water flow to scrubber ACR/ABS219.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 12		
Description:	Failure to maintain the operating parameter Oxygen concentration of Incinerator ACR/INC60.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 8B		
Description:	Failure to maintain the operating parameter temperature of Vapor Combustor ACR/VC51.		
Self Report?	NO	Classification:	Moderate

Citation:	30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)	
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 2	
Description:	Failure to perform weekly AVO inspections of the light liquid pumps in the Reaction Fugitives Area, Purification Fugitives Area, Recovery Fugitives Area, and the HCN Synthesis Fugitives Area.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 3.A,iv,1	
Description:	Failure to perform quarterly visible emission observations of the Startup Air Heater and the Catalyst Filter discharge.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960 Special Condition 18	
Description:	Failure to perform weekly visible emission inspections of the Incinerator, Thermal Oxidizer, and the Vapor Combustor.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 106, SubChapter K 106.262(a)(3) 30 TAC Chapter 122, SubChapter B 122.143(4)	
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 20	
Description:	Failure to submit the PI-7 form for the PBR authorization of the Ammonia Blow down Operation within ten days.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 1A	
Description:	Failure to perform daily observations of Flares ACR/FL57 and ACR/PRC58.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 318, Special Condition 5A	
Description:	Failure to perform semi-daily Audio, Visual and Olfactory (AVO) inspections of the AMM/FDKAMB operating area.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19	
Description:	Failure to comply with the representations of the application for NSR Permit 1743.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 1	
Description:	Failure to maintain emission rates below the allowable emission limits.	
Date:	11/28/2007 (597556)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	OP FOP O-01437 General Terms and Conditions OP FOP O-01437, Special Condition 1A	
Description:	Failure to perform daily observations of Flare ACH/CBFLR.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)	

Rqmt Prov:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart H 60.82(a) 5C THC Chapter 382, SubChapter D 382.085(b) OP FOP O-01437 General Terms and Conditions OP FOP O-01437, Special Condition 12 OP FOP O-01437, Special Condition 1A PERMIT NSR Permit 19005, Special Condition 2 PERMIT NSR Permit 19005, Special Condition 4		
Description:	Failure to limit the SO2 emission rate from exceeding 4 pounds (lbs) of SO2 per ton of 100 % H2SO4.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter D 115.354(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01437 General Terms and Conditions OP FOP O-01437, Special Condition 12 OP FOP O-01437, Special Condition 1A PERMIT NSR Permit 19003, Special Condition 1E PERMIT NSR Permit 19003, Special Condition 5 PERMIT NSR Permit 19004, Special Condition 2 PERMIT NSR Permit 19004, Special Condition 5E		
Description:	Failure to perform weekly AVO inspections of the pumps and flanges in the Acetone Cyanohydrin Unit Process Fugitives Area and the Methyl Methacrylate Production Unit Fugitives Area.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter B 115.126(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(ii) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(f) 40 CFR Part 60, Subpart A 60.18(f)(2) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01437 General Terms and Conditions OP FOP O-01437, Special Condition 12 OP FOP O-01437, Special Condition 1A PERMIT NSR Permit 19004, Special Condition 2 PERMIT NSR Permit 19004, Special Condition 3		
Description:	Failure to record the presence of a pilot flame for Flare ACH/CBFLR.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter B 115.126(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(ii) 40 CFR Part 60, Subpart A 60.18(f)(2) 40 CFR Part 60, Subpart NNN 60.665(f) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01437 General Terms and Conditions OP FOP O-01437, Special Condition 12 OP FOP O-01437, Special Condition 1A PERMIT NSR Permit 19003 Special Condition 5 & 6 PERMIT NSR Permit 19003, Special Condition 4 PERMIT NSR Permit 19003, Special Condition 7		
Description:	Failure to record the presence of a pilot flame for Flare MMA/DKFL.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01437 General Terms and Conditions OP FOP O-01437, Special Condition 12 OP FOP O-01437, Special Condition 1A PERMIT NSR Permit 19005, Special Condition 13B PERMIT NSR Permit 19005, Special Condition 2		
Description:	Failure to correctly perform the First and Second Quarter 2006 CGAs for the SAR/SARSTK.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter D 115.354(2)(C)		

	30 TAC Chapter 116, SubChapter B 116.115(c)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)	
	5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	OP FOP O-01437 General Terms and Conditions	
	OP FOP O-01437, Special Condition 12	
	OP FOP O-01437, Special Condition 1A	
	PERMIT NSR Permit 19003, Special Condition 1F	
	PERMIT NSR Permit 19003, Special Condition 5	
Description:	Failure to monitor all accessible valves.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)	
	30 TAC Chapter 116, SubChapter B 116.115(c)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)	
	5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	OP FOP O-01437 General Terms and Conditions	
	PERMIT NSR Permit 19005, Special Condition 13	
	PERMIT NSR Permit 19005, Special Condition 2	
Description:	Failure to continuously measure and record the in-stack concentration of Nitrogen Oxides (NOx) and SO2 from the SAR-SARSTK.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	OP FOP O-01437 General Terms and Conditions	
	OP FOP O-01437, Special Condition 1A	
Description:	Failure to record the exhaust gas temperature of the SAR Furnaces.	

F. Environmental audits.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LUCITE INTERNATIONAL, INC.;
RN102736089**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1876-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lucite International, Inc. ("Lucite") under the authority of TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 7, and the rules of the TCEQ. The Executive Director of the TCEQ, through the Litigation Division, and Lucite, represented by Jennifer Keane of the law firm Baker Botts LLP, appear before the Commission and together stipulate that:

1. Lucite owns and operates an industrial organic chemical plant at 6350 North Twin City Highway in Nederland, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Lucite agree that the Commission has jurisdiction to enter this Agreed Order, and that Lucite is subject to the Commission's jurisdiction.
4. Lucite received notice of the violations alleged in Section II ("Allegations") on or about July 11, 2007, November 13, 2007, and December 3, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Lucite of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of fifty thousand two hundred fifty dollars (\$50,250.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Lucite paid twenty five thousand one hundred twenty-five (\$25,125.00) of the administrative penalty. Pursuant to TEX. WATER CODE § 7.067, twenty five thousand one hundred twenty five dollars (\$25,125.00) shall be conditionally offset by the Lucite's completion of a Supplemental Environmental Project, as defined in Attachment A, incorporated herein by reference. Lucite's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Lucite agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on August 2, 2007, Lucite provided documentation that changes were made to the water softener system including the cycling time, began monitoring the system on an increased frequency, the air pre-heater vibration dampeners were repaired, silica deposits were cleaned from the boiler and the Thermal Oxidizer Unit ("TOU") water treatment program is being monitored to ensure no further occurrence of the deposits.
10. The Executive Director recognizes that Lucite implemented the following corrective measures at the Plant by September 28, 2007:
 - a. Established set points and alarms on incinerator ACR/NC60 and vapor combustor ACR/VC51 in order to ensure proper temperature control. Also, provided training and posted instructional signs for personnel overseeing the two units;
 - b. Installed automated control valves to better control water distribution to the scrubbers and implemented a computer based reminder notification system when low water flow excursions occur. Training was also provided to plant operations and maintenance personnel; and
 - c. Completed the cleaning and screening of the catalyst at the Spent Acid Recovery ("SAR") unit converter to allow the Oxygen ("O2") to Sulfur Dioxide ("SO2") ratio mix to maintain the high pressure drop.
11. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Lucite has not complied with one or more of the terms or conditions in this Agreed Order.

12. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Lucite is alleged to have violated:

1. 30 TEX. ADMIN. CODE §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.120(d)(5), Federal Operating Permit ("FOP") No. O-01960, General Terms and Conditions ("GTC"), and Special Conditions ("SC") 1A, 1E, 4, and 19, New Source Review ("NSR") Air Permit No. 1743, SC 2 and 10 and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain the required water flow to scrubbers ACR/ABS156, ACR/ABS61, ACR/ABS159, and ACR/ABS218, as documented during a record review conducted September 10, 2007. Specifically, the water flow to scrubber ACR/ABS156 fell below the required operating parameter of 9,026 pounds per hour ("lbs/hr") from January 16, 2006, through March 25, 2006, for 30 hours, April 19, 2006, through October 8, 2006, for 55 hours, and October 14, 2006, through March 29, 2007, for 23 hours; scrubber ACR/ABS61 fell below the required 2,440 lbs/hr from January 19, 2006, through April 2, 2006, for 45 hours, May 5, 2006, through October 3, 2006, for 358 hours, and October 13, 2006, through March 29, 2007, for 639 hours; scrubber ACR/ABS159 fell below the required 1,302 lbs/hr from December 8, 2005, through December 12, 2005, for 86 hours, and on November 11, 2006, for 9 hours; and scrubber ACR/ABS218 fell below the required 2,000 lbs/hr from August 11, 2006, through August 19, 2006, for 122 hours, and October 13, 2006, through October 23, 2006, for 128 hours.
2. 30 TEX. ADMIN. CODE §§ 113.120, 116.115(c), and 122.143(4), 40 CFR § 63.120(d)(5), FOP No. O-01960 GTC, SC 1A, 1E, and 19, NSR Air Permit No. 1743, SC 2 and 12, and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain the daily average temperature of incinerator ACR/INC60 above the established minimum limit, as documented during a record review conducted September 10, 2007. Specifically, the incinerator's daily average temperature fell below the required operating parameter of 965 degrees Celsius on January 19 through January 31, 2006, July 6 through 8, 2006, and October 13, 2006, through April 10, 2007.
3. 30 TEX. ADMIN. CODE §§ 113.120, 116.115(c), and 122.143(4), 40 CFR § 63.120(d)(5), FOP No. O-01960, GTC, SC 1A, 1E, and 19, NSR Air Permit No. 1743, SC 2, and 12, and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain the daily average temperature of vapor combustor ACR/VC51 above the established minimum limit, as documented during a record review conducted September 10, 2007. Specifically, the

vapor combustor's daily average temperature from April 20, 2006, through August 19, 2006, was below the recommended 774 degrees Celsius for 1,462 hours.

4. 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O-01437, GTC, SC 12, NSR Air Permit No. 19005/PSD-TX-753, SC 1 and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain emission rates below the allowable emission limits for Sulfur Dioxide ("SO₂"), as documented during a record review conducted October 8, 2007. Specifically, on July 3, 2006, for a period of four hours, the Spent Acid Recovery ("SAR") Unit Converter emitted unauthorized emissions of approximately 105.56 pounds ("lbs") of SO₂ to the atmosphere.
5. 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 1743, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to prevent unauthorized emissions, as documented by an inspection conducted May 15 through May 29, 2007. Specifically, 387.82 lbs of Acetonitrile and 74.27 lbs of Acrylonitrile, 36.59 lbs of SO₂, 428.07 lbs of volatile organic compounds ("VOCs"), 5,049 lbs of Carbon Monoxide ("CO"), 1,112.24 lbs of Hydrogen Cyanide ("HCN"), and 27,184.11 lbs of Nitrogen Oxide ("NO_x") were released from the vapor combustor (EPN: ACR-VC51) during 554.50 hours of unplanned maintenance activities on the Thermal Oxidizer Unit ("TOU"), which began on July 24, 2006. Since these emissions were avoidable, the demonstrations in TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

Lucite generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Lucite pay an administrative penalty as set forth in Section I, Paragraph Six above. The payment of this administrative penalty and Lucite's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here.
2. Lucite shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067 and as set forth in Section I, Paragraph 6, above. Twenty-five thousand one hundred twenty-five dollars (\$25,125.00) of the assessed administrative penalty shall be offset with the condition that Lucite implement the SEP pursuant to the terms of the SEP as defined in Attachment A, incorporated herein by reference. Lucite's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. Administrative penalty payments for any portion of the administrative penalty not offset by a Supplemental Environmental Project or for any portion of the Supplemental

Environmental Project deemed by the Executive Director as not complete shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Lucite International, Inc., Docket No. 2007-1876-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

4. The provisions of this Agreed Order shall apply to and be binding upon Lucite. Lucite is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. This Agreed Order, issued by the Commission, shall not be admissible against Lucite in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Lucite, or three days after the date on which the Commission mails notice of the Order to Lucite, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director


April 1, 2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

12/19/08
Date

ROBERT WISENBAKER
Name (Printed or typed)
Authorized Representative of
Lucite International, Inc.

PLANT MANAGER
Title

Attachment A
Docket Number: 2007-1876-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Lucite International, Inc.

Penalty Amount: Fifty thousand two hundred fifty dollars (\$50,250)

SEP Offset Amount: Twenty-five thousand one hundred twenty-five dollars (\$25,125)

Type of SEP: Pre-approved

Third-Party Recipient: Jefferson County – *Retrofit/Replace Heavy Equipment and Vehicles with Alternative-Fueled Equipment and Vehicles*

Location of SEP: Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Jefferson County's Retrofit/Replace Heavy Equipment and Vehicles with Alternative-Fueled Equipment and Vehicles** program in Jefferson County as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used for the incremental cost of purchase of alternative-fueled equipment such as propane or electric powered lawn mowers, propane-powered light duty and heavy equipment, and alternative fueled vehicles, and retirement of diesel and gasoline powered equipment and vehicles. The retired vehicles and equipment will not be resold as working vehicles, but will only be sold for scrap. The County will also use SEP monies to convert current equipment and vehicles to alternative fueled equipment and vehicles and to retrofit current gasoline and diesel powered equipment in order to lower emissions. All retrofits will meet EPA standards. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air emissions generated by gasoline- and diesel-powered lawnmowers, heavy equipment, and other vehicles in the Beaumont/Port Arthur ozone non-attainment area. Such emissions contribute to ozone pollution in this state.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the final Agreed Order with the contribution to:

Jefferson County Government
Attention: The Honorable Ron Walker, Jefferson County Judge
Retrofit Vehicles SEP
1149 Pearl Street 4th Floor
Beaumont, Texas 77701

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.